

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Industrial Site Recovery Act Rules

Conversion from SIC Codes to NAICS Codes: Definition of "Industrial Facility"

Special Adopted and Concurrent Proposed Amendments: N.J.A.C. 7:26B-1.4, 2.1, 2.2, 2.3, 3.2, 3.3, 5.8, 6.7 and Appendix A

Special Adopted and Concurrent Proposed New Rule: N.J.A.C. 7:26B-2.4 and Appendix C

Special Amendment and New Rule Adopted and Concurrent Proposed Amendment and New Rule Authorized: (, 2004) by Bradley M. Campbell, Commissioner Department of Environmental Protection.

Filed: _____, 2004.

Authority: N.J.S.A. 13:1D-1 et seq., 13:1K-6, 58:10B-1 et seq., and 58:10-23.11a et seq.

Calendar Reference: See summary below for explanation of exception to calendar requirement.

DEP Docket Number: 09-04-05/428.

Concurrent Proposal Number: PRN 2004-_____.

Effective Date: _____.

Expiration Date: (270 days from effective date.)

Submit written comments by (60 days from publication of the proposal) to:

Leslie W. Ledogar, Esq.

Attention: DEP Docket No. 09-04-05/428

Office of Legal Affairs

New Jersey Department of Environmental Protection

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The amendments and new rules were adopted in accordance with N.J.S.A. 13:1D-141, and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c), as implemented by N.J.A.C. 1:30-6.4). Concurrently, the provisions of the amendments and new rules are being proposed in accordance with the rulemaking

requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. The readopted amendments and new rules will become effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-6.4(f)) if filed on or before the amendments and new rule's expiration date in accordance with N.J.S.A. 13:1D-141 et seq.

The agency special adoption and concurrent proposal follows:

Summary

Because a 60-day comment is provided for this notice of proposal, the concurrent proposal is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

The Industrial Site Recovery Act ("ISRA"), N.J.S.A. 13:1K-6 et seq., requires an owner or operator of an "industrial establishment" who plans to close operations or transfer ownership or operations of the industrial establishment to obtain the Department's approval of a cleanup plan for the industrial establishment prior to the transfer of ownership or operations. The requirements apply to owners or operators of facilities having certain listed Standard Industrial Classification (SIC) numbers.

As a result of the 1993 North American Free Trade Agreement (NAFTA) with Canada and Mexico, the Federal Office of Management and Budget (OMB) replaced the SIC coding system with a new, international North American Industrial Classification System (NAICS) coding system. Consequently, it became necessary for the Department to redefine the ISRA Program regulated community in terms of NAICS codes. Legislation enacted effective August 15, 2003, P.L. 2002, c.157 (N.J.S.A. 13:1d-138 et seq.), directs the Department to adopt rules identifying with the NAICS codes the generally equivalent universe of facilities that have been, to date, covered by the SIC codes listed in the Industrial Site Recovery Act and the Department's implementing rules at N.J.A.C. 7:26B.

The purpose of the rule amendments and new rules is to ensure that all currently regulated facilities will continue to be regulated and that no new categories of facilities will

become subject to the ISRA requirements by virtue of the change to the NAICS coding system. To avoid either expanding or contracting the scope of the current ISRA-regulated universe, the Department undertook a systematic comparison of the two classification systems.

To effect the conversion from SIC codes to NAICS codes, the Department is proposing to amend the current definition of “industrial establishment” at N.J.A.C. 7:26B-1.4 to replace the SIC codes referenced in that definition with a table that lists the NAICS codes in new Appendix C. To the extent that it was possible, the NAICS codes in Appendix C correspond directly with the prior SIC codes for the activity in question. Where a one-to-one correspondence was not possible, the list of NAICS codes in Appendix C contains exceptions and limitations.

The NAICS codes included in Appendix C are those published in 2002 by the Executive Office of the President, Office of Management and Budget, ISBN 0-934213-87-9 (NTIS PB2002- 502024). If any future revisions of the NAICS codes are made by the Office of Management and Budget, the NAICS codes listed in Appendix C will be adjusted as necessary through a notice of administrative change. Doing so will enable the Department to maintain a constant universe of regulated facilities under this chapter, as required by N.J.S.A. 13:1D-138 et seq. Proposed new N.J.A.C. 7:26B-2.4 establishes this notice process for updating the NAICS codes in the definition.

In addition, the Department proposes to amend the ISRA rules, N.J.A.C. 7:26B, to replace references to the SIC coding system with references to the NAICS coding system. In this regard, changes are proposed to N.J.A.C. 7:26B-2.1, 2.2, 2.3, 3.2, 3.3, 5.8, 6.7 and Appendix A.

The Department proposes to make amendments to N.J.A.C. 7:26B-2.1(b). N.J.A.C. 7:26B-2.1(b) was initially added to the ISRA rules to clarify what businesses and properties are not subject to the requirements of this subchapter. Based on the Department’s experience implementing these rules over the last several years the Department has determined that the public understands that businesses that produce and distribute agricultural commodities, retail gasoline stations, automobile repair and body shops and agricultural land are not subject to ISRA. Therefore, the Department proposes to delete N.J.A.C. 7:26B-2.1(b)3 through 6.

However, the Department believes that there continues to be confusion regarding whether undeveloped land is subject to ISRA. Therefore, the Department will retain N.J.A.C. 7:26B-2.1(b)7 and recodify this paragraph as N.J.A.C. 7:26B-2.1(b)3.

The Department proposes to delete N.J.A.C. 7:26B-2.1(b)8 through 10 and N.J.A.C. 7:26B-2.1(c)3 because these SIC major group numbers and subgroup numbers no longer need to be excluded from the SIC subject groups due to the conversion to the NAICS coding system. The amendments to this section do not add, modify or delete industrial establishments that are subject to these rules.

Social Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to the NAICS codes in the ISRA program. The amendments and new rules will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the ISRA program. Accordingly, the amendments are not anticipated to have either a positive or a negative social impact.

Economic Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to the NAICS codes in the ISRA program. The amendments and new rules will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the ISRA program. Accordingly, the amendments and new rules are not anticipated to have either a positive or a negative economic impact.

Environmental Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to the NAICS codes in the ISRA program. The amendments and new rules will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the ISRA program. Accordingly, the amendments and new rules are not anticipated to have either a positive or a negative environmental impact.

Federal Standards Analysis

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995, c.65), require State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. There is no Federal counterpart to the ISRA program. In any event, these specially adopted and concurrently proposed amendments and new rules do not change the scope of the ISRA program. They merely incorporate the Federal industrial classification standards (see Summary above) into N.J.A.C. 7:26B. As such, no Federal Standards Analysis is required for this special adoption.

Jobs Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to the NAICS codes in the ISRA program. The amendments and new rule will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the ISRA program. Accordingly, the implementation of these amendments and new rules is expected to have no impact on employment and jobs in New Jersey, including the generation or the loss of jobs.

Agricultural Industry Impact

The purpose of this special adoption and concurrent proposal is to convert the SIC codes to the NAICS codes in the ISRA program. The amendments and new rules will not expand the regulated universe to include businesses not currently regulated, nor will they remove currently regulated businesses from coverage under the ISRA program. Accordingly, the amendments are not anticipated to have either a positive or a negative impact on the agricultural industry.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52: 14B-16 et seq., the Department evaluated the effect of this special adopted and concurrently proposed amendments and new rule on small business. The amendments and new rules will not expand the regulated universe to include businesses not currently regulated or remove currently regulated businesses from coverage under the ISRA program. Any small businesses regulated under the ISRA program will continue to be regulated, but the amendments and new rules do not impose any

additional requirements on those businesses. Accordingly, the Department has determined that no regulatory flexibility analysis is required.

Smart Growth Impact

Executive Order No. 4 (2002) requires State agencies that adopt, amend or repeal State regulations to include in the rulemaking document a Smart Growth Impact statement that describes the impact of the proposed rule on the achievement of smart growth and implementation of the State Development and Redevelopment Plan (State Plan). The special adoption and concurrently proposed amendments and new rules do not relate to the State's land use and development policies in a way that would either encourage or discourage any development or redevelopment in this State contrary to the guiding principles of the State Plan. As a result, the Department does not expect this rulemaking to have an impact on the State's achievement of smart growth or implementation of the State Plan.

Full text of the special adoption and concurrent proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:26B-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...

“Closing operations” means, unless otherwise provided at N.J.A.C. 7:26B-2.4:

1. – 4. (No Change.)

5. Any change of operations of an industrial establishment that changes the industrial establishment's [Standard Industrial Classification] **North American Industry Classification System** number to one that is not subject to ISRA;

6. - 7. (No Change.)

...

“Industrial establishment” means any place of business or real property at which such business is conducted, having the [primary SIC major group number within 22-39 inclusive, 46-49 inclusive, 51 or 76 as designated in, and determined in accordance with, the procedures described in the SIC manual] **North American Industry Classification System (NAICS) codes listed in Appendix C dated and published in 2002 by the Executive Office of the President of the United States, Office of Management and Budget, ISBN 0-934213-87-9 NTIS PB2002-502024, subject to the specified exceptions and limitations** and engaged in operations on or after December 31, 1983, which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances and wastes on-site, above or below ground unless otherwise provided at N.J.A.C. 7:26B-2.1. Except as provided below for lease properties, the industrial establishment includes all of the block(s) and lot(s) upon which the business is conducted and those contiguous block(s) and lot(s) controlled by the same owner or operator that are vacant land, or that are used in conjunction with such business. For lease properties, the industrial establishment includes the leasehold and any external tank, surface impoundments, septic systems, or any other structures, vessels, contrivances, or units that provide, or are utilized for, hazardous substances and wastes to or from the leasehold.

["SIC manual" means the edition of the Standard Industrial Classification manual, prepared by the Office of Management and Budget in the Executive Office of the President of the United States, in effect at the time of the transaction.]

SUBCHAPTER 2. APPLICABILITY

7:26B-2.1 Operations and transactions not subject to ISRA

(a) The following transactions shall not be considered closing operations or transferring of operations or ownership:

1. - 19. (No Change.)

20. A change in [SIC] **NAICS** number as a result of a change in the [SIC] **NAICS** manual without a change in the operations of the industrial establishment;

21. - 22. (No Change.)

(b) The following operations are not industrial establishments:

1. -2. (No change.)

[3. Any business entity engaged primarily in the production or distribution of agricultural commodities;

4. Retail gasoline stations with a SIC major group number of 55;

5. Automobile repair and automobile body shops with a SIC major group number of 75;

6. Agricultural land and associated structures;]

[7.] **3.** Undeveloped or vacant land provided that:

i. No industrial establishment has operated on such vacant land since December 31, 1983; and

ii. The contiguous land is not an industrial establishment under the same control or ownership as the vacant land in question;

[8. Facilities engaged in the retail sale of fuel oil with a SIC major group number of 59;

9. Facilities engaged in the retail sale of goods with a SIC major group number of 52-59; and

10. Operations engaged in the wholesale distribution of durable goods with a SIC major group number of 50 including, but not limited to, the following:

i. Motor vehicles and automotive parts;

ii. Furniture;

iii. Lumber;

iv. Metals;

v. Electrical goods;

- vi. Sporting goods;
- vii. Hardware;
- viii. Machinery; and
- ix. Jewelry.

(c) The following subgroups or classes of operations within those subgroups in the Standard Industrial Classification major group numbers 22-39 inclusive, 46-49 inclusive, 51 or 76 are exempt from the provisions of this chapter:

<u>SIC</u>	<u>Description</u>
1. 2321	Men's and Boy's Shirts, except work shirts
2. 2342	Brassieres, Girdles and Allied Garments
3. 2371	Fur Goods
4. 2384	Robes and Dressing Gowns
5. 2385	Waterproof Outerwear
6. 2386	Leather and Sheep-lined Clothing
7. 2387	Apparel Belts
8. 2393	Textile Bags
9. 2436	Softwood Veneer and Plywood
10. 2441	Wood Containers, Not Elsewhere Classified
11. 2451	Mobile Homes
12. 3131	Boot and Shoe Cut Stock and Findings
13. 3142	House Slippers
14. 3144	Women's Footwear, except Athletic
15. 3149	Footwear, Except Rubber, Not Elsewhere Classified
16. 3199	Leather Goods, Not Elsewhere Classified
17. 4724	Travel Agencies
18. 4725	Tour Operators
19. 4729	Arrangement of Passenger Transportation, Not Elsewhere Classified
20. 4731	Arrangement of Transportation of Freight and Cargo
21. 4785	Fixed Facilities and Inspection and

	Weighing Services for Motor Vehicles (Highway bridges, operation of; Toll bridge operation; Toll roads, operation of; Tunnel operation, vehicular; only)
22. 4789	Transportation Services, Not Elsewhere Classified
23. 4812	Radio Communications
24. 4813	Telephone Communications, Except Radio Telephone
25. 4822	Telegraph and Other Message Communications
26. 4832	Radio Broadcasting
27. 4833	Television Broadcasting
28. 4841	Cable and Other Pay Television Services
29. 4899	Communication Services, Not Elsewhere Classified
30. 4941	Water Supply
31. 4952	Sewage Systems
32. 4953	Refuse Systems (Landfills, sanitary: operations of, only)
33. 4971	Irrigation System
34. 5111	Wholesale Distribution of Printing and Writing Paper
35. 5112	Wholesale Distribution of Stationery Supplies
36. 5113	Wholesale Distribution of Industrial and Personal Service Paper
37. 5131	Piece Goods, Notions, and Other Dry Goods
38. 5136	Wholesale Distribution of Men's and Boys' Clothing
39. 5137	Wholesale Distribution of Women's,

	Children's and Infant's Clothing
40. 5139	Wholesale Distribution of Footwear
41. 5141	Wholesale Distribution of Groceries, General Line
42. 5142	Wholesale Distribution of Frozen Food
43. 5143	Wholesale Distribution of Dairy Products
44. 5144	Wholesale Distribution of Poultry Products
45. 5145	Wholesale Distribution of Confectionery
46. 5146	Wholesale Distribution of Fish
47. 5147	Wholesale Distribution of Meats
48. 5148	Wholesale Distribution of Fresh Fruits and Vegetables
49. 5149	Wholesale Distribution of Groceries and Related Products, Not Elsewhere Classified
50. 5153	Wholesale Distribution of Grain
51. 5154	Wholesale Distribution of Livestock
52. 5159	Wholesale Distribution of Farm Products, Raw Materials, Not Elsewhere Classified
53. 5181	Wholesale Distribution of Beer and Ale
54. 5182	Wholesale Distribution of Wine
55. 5192	Books, Periodicals, and Newspapers
56. 5193	Flowers, Nursery Stock, and Florists' Supplies
57. 5199	Wholesale Distribution of Nondurable Goods, Not Elsewhere Classified
58. 7622	Radio and Television Repair Shops
59. 7631	Watch, Clock and Jewelry Repair
60. 7699	Repair Shops and Related Services, Not Elsewhere Classified (only the following repair services under 7699 are exempt from the Act and this chapter. All

other repair services under 7699 not listed below
remain subject to the Act and this chapter):

- i. Awning Repair
- ii. Bicycle Repair Shops
- iii. Binoculars and Other Optical Goods repair
- iv. Camera Repair
- v. Harness Repair Shops
- vi. Horseshoeing
- vii. Key Duplicating Shops
- viii. Lawn Mower Repair Shop
- ix. Leather Goods Repair Shops
- x. Lock Parts Made to Individual Order
- xi. Locksmith Shops
- xii. Luggage Repair Shops
- xiii. Musical Instrument Repair Shops
- xiv. Organ Tuning and Repair
- xv. Piano Tuning and Repair
- xvi. Picture Framing to Individual Order Not
Connected with Retail Stores)
- xvii. Pocketbook Repair Shops
- xviii. Precision Instrument Repair
- xix. Reneddling Work
- xx. Repair of Optical Instruments
- xxi. Repair of Photographic Equipment
- xxii. Repair of Speedometers
- xxiii. Rug Repair Shops (Not Combined with
Cleaning)
- xxiv. Saddlery Repair Shops
- xxv. Scale Service Repair
- xxvi. Sewing Machine Repair
- xxvii. Tent Repair Shops

xxviii.	Typewriter Repair (Including Electric)
xxix.	Venetian Blind Repair Shops
xxx.	Window Shade Repair Shops]

7:26B-2.2 Applicability determinations

(a) In order to obtain a determination from the Department concerning the applicability of this chapter to a specific place of business or transaction, a person shall:

1. Submit a completed application, certified in accordance with N.J.A.C. 7:26B-1.6, to the Department at the address provided at N.J.A.C. 7:26B-1.5. In summary, the information required in the application includes: the name of the business conducted on site, the [SIC] **NAICS** number of the business, the location of the business, or description of the proposed transaction, a description of operations conducted on site, the name of the person owning the real property, and information regarding the presence of hazardous substances used in the operations on site;

2. - 4. (No Change.)

(b) – (f) (No Change.)

7:26B-2.3 De minimis quantity exemption

(a) – (c) (No Change.)

(d) The total quantity of hazardous substances at an industrial establishment having the [SIC] **NAICS** number of [5122] **424210, 446110, 446120 or 446191 as qualified by the limitations noted in Appendix C** shall not include any mixture containing hazardous substances if the mixture is in final product form for wholesale or retail distribution.

(e) - (f) (No Change.)

7:26B-2.4 Revisions to North American Industry Classification System Codes for purposes of definition of "industrial establishment"

In the event that the Executive Office of the President, Office of Management and Budget, publishes new or revised North American Industry Classification System (NAICS) codes modifying the 2002 list of NAICS codes on which the definition of "industrial establishment" at N.J.A.C. 7:26B-1.4 is based, the Department shall modify the NAICS codes in the definition and Appendix C, as necessary, to ensure that, as required by N.J.S.A. 13:1D-139, the generally equivalent universe of facilities subject to ISRA continues to be regulated under this chapter. Specifically, the Department shall provide limitations and/or exceptions to the NAICS codes set forth in Appendix C as required to maintain the currently regulated universe as of (the date of publication). The Department shall publish in the New Jersey Register an administrative notice of the new or revised NAICS code(s) and the corresponding administrative change(s) to -Appendix C.

SUBCHAPTER 3. GENERAL INFORMATION NOTICE

7:26B-3.2 Notification requirements

(a) An owner or operator planning to close operations or transfer ownership or operations of an industrial establishment shall submit a completed General Information Notice to the Department pursuant to N.J.A.C. 7:26B-3.3, within five calendar days after to the occurrence of any of the transactional events provided below:

1.- 4. (No Change.)

5. The change in operations sufficient to change the primary [SIC] **NAICS** number of an industrial establishment from a primary [SIC] **NAICS** number that is subject to ISRA or this chapter to one that is not subject to ISRA or this chapter;

6. – 15. (No Change.)

(b) (No Change.)

7:26B-3.3 General information notice

(a) An owner or operator planning to close operations or transfer ownership or operations of an industrial establishment shall submit a completed General Information Notice pursuant to N.J.A.C. 7:26B-3.2(a), certified in accordance with N.J.A.C. 7:26B-1.6, to the Department at the address provided at N.J.A.C. 7:26B- 1.5, which includes the following:

1. - 5. (No Change.)

6. Applicable [SIC] **NAICS** number(s) for the industrial establishment;

7. - 14. (No Change.)

(b) - (c) (No Change.)

SUBCHAPTER 5. EXPEDITED COMPLIANCE OPTIONS

7:26B-5.8 Remedial action workplan deferral

(a) - (b) (No Change.)

(c) To apply for a remedial action workplan deferral, the owner or operator shall submit a completed remedial action workplan deferral application, certified in accordance with N.J.A.C. 7:26B-1.6, to the Department at the address provided at N.J.A.C. 7:26B-1.5, which includes the following information:

1. A certification signed by the purchaser, transferee, mortgagee or other party to the transfer that the industrial establishment would be subject to substantially the same use by the purchaser, transferee, mortgagee or other party to the transfer as established by the following criteria:

i. Substantially the same use means that the industrial establishment shall retain the same [three] **four** digit industry group number, as designated in the [SIC] **NAICS** Manual; or

ii. An owner or operator may submit a written request to the Department at the address provided at N.J.A.C. 7:26B-1.5, for a determination that the industrial establishment be deemed subject to substantially the same use based upon its retention of the same [two] **three** digit [major group] **subsector** number, as designated in the [SIC] **NAICS** Manual. The owner or operator shall include the following information: the industrial establishment's current [four] **six** digit [SIC] **NAICS** number, a description of the current operations of the industrial establishment, the proposed [four] **six** digit [SIC] **NAICS** number for the industrial establishment after the proposed transfer and a description of the proposed operations at the industrial establishment after the proposed transfer;

2. - 5. (No Change.)

(d) - (f) (No Change.)

SUBCHAPTER 6. REMEDIATION PROCEDURES

7:26B-6.7 Submission and review of a negative declaration

(a) - (b) (No Change.)

(c) The owner or operator required to submit a negative declaration pursuant to this chapter shall submit the negative declaration on forms available from the Department at the address provided at N.J.A.C. 7:26B-1.5. The owner or operator shall include the following information in the negative declaration:

1. Identification of the subject industrial establishment including:

i. - ii. (No Change.)

iii. The applicable [SIC] **NAICS** number of the subject industrial establishment;

iv. - v. (No Change.)

2. - 3. (No Change.)

(d) - (f) (No Change.)

APPENDIX A STANDARD ISRA REMEDIATION AGREEMENT

Proposed additions indicated in boldface **thus**; deletions indicated in cursive brackets {thus}):

The standard ISRA remediation agreement contains references to [Person], [amount], and other blank brackets []. Upon the Department's issuance or entry of remediation agreement, the Department will replace these terms and blank spaces with the appropriate information for that specific oversight document.

Matter bracketed [] is not intended for deletion, but rather is intended to be descriptive of the variable information that may be contained in the final document.

FINDINGS

1. The property that is the subject of this Remediation Agreement is operated by [full name of the direct owner] and owned by [full name of current property owner], and is located at [address] and is designated as Block [], Lot [] on the tax maps of the [Township, Borough, City. etc.] of [], [] County, New Jersey (hereinafter the "[]" or "Site"). The {Standard Industrial Classification} **North American Industry Classification System** (" {SIC} **NAICS** ") numbers which best describe the operations at the [] industrial establishment are []. [Paragraph 1 will be repeated as 1.A, 1.B, etc. for each industrial establishment subject to this Remediation Agreement]

2. (No Change.)

APPENDIX C ISRA SUBJECT NAICS CODES

Subsector or Industry # Code	NAICS Description	Exceptions or Limitations
113310	Logging	No Exceptions or Limitations
115210	Support Activities for Animal Production	Limited to Farriers
211112	Natural Gas Liquid Extraction	Limited to recovering sulfur from natural gas
212324	Kaolin and Ball Clay Mining	Limited to grinding, washing, separating, etc. of kaolin and ball clay not in conjunction with mining operations
212325	Clay and Ceramic and Refractory Minerals Mining	Limited to grinding, washing, separating, etc. of clay, ceramic and refractory minerals not in conjunction with mining operations
212393	Other Chemical and Fertilizer Mineral Mining	Limited to grinding, washing, separating, etc. of chemical and fertilizer minerals not in conjunction with mining operations
212399	All Other Nonmetallic Mineral Mining	Limited to grinding, washing, separating, etc. of nonmetallic minerals not in conjunction with mining operations
221	Utilities	Except Water Supply, Irrigation Systems (NAICS Industry 221310) and Sewerage Systems (NAICS Industry 221320)
238220	Plumbing, Heating, and Air-Conditioning Contractors	Limited to businesses involved with boiler cleaning, chipping and scaling
311942	Spice and Extract Manufacturing	Limited to producing table salt by the evaporation of sea water or brine
313111	Yarn Spinning Mills	No exceptions or limitations
313112	Yarn Texturing, Throwing, and Twisting Mills	No exceptions or limitations
313113	Thread Mills	No exceptions or limitations
313210	Broadwoven Fabric Mills	No exceptions or limitations
313221	Narrow Fabric Mills	No exceptions or limitations
313222	Schiffli Machine Embroidery	No exceptions or limitations
313230	Nonwoven Fabric Mills	No exceptions or limitations
313241	Weft Knit Fabric Mills	No exceptions or limitations
313249	Other Knit Fabric and Lace Mills	No exceptions or limitations

313311	Broadwoven Fabric Finishing Mills	Except for broadwoven converters, who buy fabric goods (except knit goods) in the grey, have them finished on contract, and sell them at wholesale and operations involved in sponging, shrinking, etc. fabric for tailors and dress makers and performing batik work as a business service.
313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	Except for converters (except broadwoven), who buy fabric goods (except knit goods) in the grey, have them finished on contract, and sell them at wholesale
313320	Fabric Coating Mills	No exceptions or limitations
314110	Carpet and Rug Mills	No exceptions or limitations
314121	Curtain and Drapery Mills	Except operations involved with the production of custom drapes
314129	Other Household Textile Product Mills	Except operations involved with the production of custom slipcovers
314911	Textile Bag Mills	Except operations involved with the production of textile bags
314912	Canvas and Related Product Mills	No exceptions or limitations
314991	Rope, Cordage, and Twine Mills	No exceptions or limitations
314992	Tire Cord and Tire Fabric Mills	No exceptions or limitations
314999	All Other Miscellaneous Textile Product Mills	Except operations involved with embroidering advertising on shirts for the trade and operations doing rug binding for the trade
315111	Sheer Hosiery Mills	No exceptions or limitations
315119	Other Hosiery and Sock Mills	No exceptions or limitations
315191	Outerwear Knitting Mills	No exceptions or limitations
315192	Underwear and Nightwear Knitting Mills	No exceptions or limitations
315211	Men's and Boys' Cut and Sew Apparel Contractors	Except men's and boys' apparel contractors producing Men's and Boys' Shirts, Except Work Shirts, Fur Goods, Robes and Dressing Gowns, Waterproof Outerwear, Leather and Sheep-Lined Clothing, and Apparel Belts
315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	Except women's, girls' and infants' apparel contractors producing Brassieres, Girdles, and Allied Garments, Fur Goods, Robes and Dressing Gowns, Waterproof Outerwear, Leather and Sheep-Lined Clothing, and Apparel Belts
315221	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	Except operations, other than contract operations, involved in the production of Robes and Dressing Gowns

315222	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing	Except custom tailors and operations, other than those working under contract, involved in the production of Waterproof Outerwear (men's and boys' water resistant or water repellent tailored overcoats, except made from rubberized fabric, plastics, etc.)
315223	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing	Except custom tailors and operations, other than those working under contract, involved in the production of Men's and Boys' Shirts, Except Work Shirts
315224	Men's and Boys' Cut and Sew Trouser, Slack and Jean Manufacturing	No exceptions or limitations
315225	Men's and Boys' Cut and Sew Work Clothing Manufacturing	No exceptions or limitations
315228	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	Except for operations, other than those working under contract, involved in the production of Waterproof Outerwear (men's and boys' water resistant or water repellent nontailored outerwear, except made from rubberized fabric, plastics, etc.)
315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	Except for operations, other than those working under contract, involved in the production of Brassieres, Girdles, and Allied Garments, and Robes and Dressing Gowns
315232	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing	No exceptions or limitations
315233	Women's and Girls' Cut and Sew Dress Manufacturing	Except for retail custom dressmakers
315234	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing	Except for operations, other than those working under contract, involved in the production of Waterproof Outerwear (women's and girls' water resistant or water repellent tailored coats, except made from rubberized fabric, plastics, etc.)
315239	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	Except for operations, other than those working under contract, involved in the production of Waterproof Outerwear (other women's and girls' water resistant or water repellent nontailored outerwear, except made from rubberized fabric, plastics, etc.)
315291	Infants' Cut and Sew Apparel Manufacturing	Except for operations, other than those working under contract, involved in the production of Waterproof Outerwear (infants' waterproof outerwear made from rubberized fabric, plastics, etc.)

315299	All Other Cut and Sew Apparel Manufacturing	Except for operations, other than those working under contract, involved in the production of Waterproof Outerwear (men's, boys', women's, and girls' waterproof outerwear made from rubberized fabric, plastics, etc.)
315991	Hat, Cap, and Millinery Manufacturing	No exceptions or limitations
315992	Glove and Mitten Manufacturing	No exceptions or limitations
315993	Men's and Boys' Neckwear Manufacturing	No exceptions or limitations
315999	Other Apparel Accessories and Other Apparel Manufacturing	Except for operations, other than those working under contract, involved in the production of Apparel Belts and Waterproof Outerwear (accessories, such as aprons, bibs, and other miscellaneous waterproof items, made from rubberized fabric, plastics, etc.)
316110	Leather and Hide Tanning and Finishing	No exceptions or limitations
316211	Rubber and Plastics Footwear Manufacturing	No exceptions or limitations
316213	Men's Footwear (except Athletic) Manufacturing	No exceptions or limitations
316991	Luggage Manufacturing	No exceptions or limitations
316992	Women's Handbag and Purse Manufacturing	No exceptions or limitations
316993	Personal Leather Good (except Women's Handbag and Purse) Manufacturing	No exceptions or limitations
321113	Sawmills	No exceptions or limitations
321114	Wood Preservation	No exceptions or limitations
321211	Hardwood Veneer and Plywood Manufacturing	No exceptions or limitations
321213	Engineered Wood Member (except Truss) Manufacturing	No exceptions or limitations
321214	Truss Manufacturing	No exceptions or limitations
321219	Reconstituted Wood Product Manufacturing	No exceptions or limitations
321911	Wood Window and Door Manufacturing	No exceptions or limitations
321912	Cut Stock, Resawing Lumber, and Planing	No exceptions or limitations
321918	Other Millwork (including Flooring)	No exceptions or limitations

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321920	Wood Container and Pallet Manufacturing	Except for operations involved in the production of Nailed and Lock Corner Wood Boxes and Shook
321992	Prefabricated Wood Building Manufacturing	No exceptions or limitations
321999	All Other Miscellaneous Wood Product Manufacturing	Except for operations involved in the production of Boot and Shoe Cut Stock and Findings (wood heels)
322	Paper Manufacturing	No exceptions or limitations
323	Printing and Related Support Activities	Except for operations involved in Photocopying and Duplicating Services (quick printing)
324	Petroleum and Coal Products Manufacturing	No exceptions or limitations
325	Chemical manufacturing	Except for operations involved in providing the following Business Services on a contract or fee basis: aerosol packaging and solvent recovery service
326	Plastics and Rubber Products Manufacturing	Except for operations involved in Tire Retreading and Repair Shops (rebuilding tires and retreaded tire manufacturing) (NAICS Industry 326212)
327	Nonmetallic mineral product manufacturing	Except for retail operations involved in manufacturing and selling pottery on site
331	Primary metal manufacturing	No Exceptions or Limitations
332	Fabricated Metal Product Manufacturing	No exceptions or limitations
333	Machinery Manufacturing	No exceptions or limitations
334	Computer and Electronic Product Manufacturing	Except for operations involved in the mass reproduction of prepackaged software and the reproduction of video in connection with motion picture production
335	Electrical Equipment, Appliance, and Component Manufacturing	No exceptions or limitations
336	Transportation Equipment Manufacturing	No exceptions or limitations
337	Furniture and Related Product Manufacturing	Except for retail operations involved in the production and sale of of custom wood cabinets, custom made upholstered household furniture and custom made nonupholstered wood household furniture
339	Miscellaneous Manufacturing	Except for operations involved in the production of orthopedic devices to prescription in a retail environment, optical goods stores and laboratories grinding lenses to prescription, dental laboratories and in operations involved with the production of boot and shoe cut stock and findings (metal buckles)

424210	Drugs and Druggists' Sundries Merchant Wholesalers	No Exceptions or Limitations
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	Except for merchant wholesalers of plastics foam
424690	Other Chemical and Allied Products Merchant Wholesalers	No Exceptions or Limitations
424710	Petroleum Bulk Stations and Terminals	No Exceptions or Limitations
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)	No Exceptions or Limitations
424910	Farm Supplies Merchant Wholesalers	No Exceptions or Limitations
424940	Tobacco and Tobacco Product Merchant Wholesalers	No Exceptions or Limitations
424950	Paint, Varnish, and Supplies Merchant Wholesalers	No Exceptions or Limitations
425110	Business to Business Electronic Markets	Limited to industries serving as agents and brokers of goods using the internet or other electronic means to bring buyers and sellers together and dealing with the following goods; Drugs, Drug Proprietaries, and Druggists' Sundries, Plastics Materials and Basic Forms and Shapes, Chemicals and Allied Products, Not Elsewhere Classified, Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals, Farm Supplies, Tobacco and Tobacco Products and Paints, Varnishes, and Supplies
425120	Wholesale Trade Agents and Brokers	Limited to industries serving as agents and brokers of goods dealing with the following goods; Drugs, Drug Proprietaries, and Druggists' Sundries, Plastics Materials and Basic Forms and Shapes, Chemicals and Allied Products, Not Elsewhere Classified, Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals, Farm Supplies, Tobacco and Tobacco Products, Paints, Varnishes, and Supplies
442	Furniture and Home Furnishings	Limited to custom picture framing shops
443	Electronic and Appliance Stores	Limited to operations involved with both the retail sales of new Refrigeration and Air-Conditioning and Electrical and Electronic equipment, not elsewhere classified and the repair of same where repair services is the major source of receipts

444130	Hardware Stores	Limited to operations involved with both the retail sales of new power tools and the repair of same where repair services is the major source of receipts
444220	Nurseries, Garden Centers, and Farm Supply Stores	Limited to operations selling goods primarily to industrial, commercial, institutional or farm customers (business customers), and not to members of the general public
446110	Pharmacies and Drug Stores	Limited to operations selling Drugs, Drug Proprietarys, and Druggists' Sundries primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
446120	Cosmetics, Beauty Supplies, and Perfume Stores	Limited to operations selling cosmetics and beauty supplies primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
446191	Food (Health) Supplement Stores	Limited to operations selling vitamins primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
453991	Tobacco Stores	Limited to operations selling Tobacco Products primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)	Limited to operations selling Plastic Materials and Basic Forms and Shapes primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
454311	Heating Oil Dealers	Limited to operations selling heating oil primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers	Limited to operations selling goods primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public
486	Pipeline Transportation	No exceptions or limitations
488119	Other Airport Operations	Limited to the vacuuming of runways
488210	Support Activities for Rail Transportation	Limited to operations involved with the Rental of Railroad Cars including grain leveling in railroad cars, grain trimming for railroad equipment, precooling of fruits and vegetables in connection with transportation, and railroad car cleaning, icing, ventilating, and heating

488390	Other Support Activities for Water Transportation	Limited to operations involved with Ship Building and Repair services provided by floating drydocks and ship scaling
488490	Other Support Activities for Road Transportation	Limited to Sanitary Services, specifically snow plowing and sweeping streets and highways
488991	Packing and Crating	No exceptions or limitations
511	Publishing Industries	Except Direct Mail Advertising Services specifically, mailing list compilers and publishing of prepackaged software
512	Motion Picture and Sound Recording Industries	Limited to the production of phonograph records and prerecorded audio tapes and disks by integrated record companies (except duplication only) and the publishing or publishing and printing of music books and sheet music
516	Internet Publishing and Broadcasting	Except Internet broadcasting of special interest web sites, entertainment sites, and interactive game sites)
532	Rental and Leasing	Limited to the Rental of Railroad Cars
541710	Research and Development in the Physical, Engineering, and Life Sciences	Except for Commercial Physical and Biological Research and Noncommercial Research Organizations (physical, engineering, and life sciences) performed on a contract or fee basis
551114	Corporate, Subsidiary, and Regional Managing Offices	Limited to offices located on the same lot and block as the industry they serve when that industry has a regulated NAICS number.
561710	Exterminating and Pest Control Services	Limited to mosquito eradication
561790	Other Services to Buildings and Dwellings	Limited to the cleaning of parking lots and driveways and furnace, duct, gutter, and drain cleaning services
562211	Hazardous Waste Treatment and Disposal	No exceptions or limitations
562213	Solid Waste Combustors and Incinerators	No exceptions or limitations
562219	Other Nonhazardous Waste Treatment and Disposal	No exceptions or limitations
562910	Remediation Services	Except Special Trade Contractors performing asbestos abatement and lead paint removal
562920	Materials Recovery Facilities	No exceptions or limitations
562991	Septic Tank and Related Services	Except Equipment Rental and Leasing specifically portable toilet rental
562998	All Other Miscellaneous Waste Management Services	No exceptions or limitations
711	Performing Arts, Spectator Sports and Related Industries	Limited to taxidermists and antique repair and restoration, except antique car restoration

811211	Consumer Electronics Repair and Maintenance	Except Radio and Television Repair Shops (stereo, TV, VCR, and radio repair) and camera repair
811212	Computer and Office Machine Repair and Maintenance	Limited to business and office machine repair, electrical and refilling or recycling ink jet cartridges
811213	Communication Equipment Repair and Maintenance	Limited to Electrical and Electronic Repair Shops not elsewhere classified, specifically telephone set repair
811219	Other Electronic and Precision Equipment Repair and Maintenance	Except precision equipment repair shops
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	No exceptions or limitations
811411	Home and Garden Equipment Repair and Maintenance	Except lawnmower repair shops
811412	Appliance Repair and Maintenance	Except Repair Shops and Related Services not elsewhere classified specifically gas appliance repair services, stove repair shops, and other non-electrical appliance repair
811420	Reupholstery and Furniture Repair	Except Airports, Flying Fields, and Airport Terminal Services specifically performing aircraft upholstery repair
811490	Other Personal and Household Goods Repair and Maintenance	Limited to Boat Building and Repairing (pleasure boat repair and Repair Shops and Related Services, not elsewhere classified (except industrial, electronic, home and garden, appliance, and leather goods repair)